



Entered on Docket
February 22, 2010

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

LOYD TYER

and

NANCY MONTAGUE

Debtors.

Case No. 09-31924-bam

Chapter 13

Hearing Date: January 28, 2010

Hearing Time: 2:30 P.M.

Courtroom: 3

**ORDER on MOTION TO VALUE COLLATERAL, "STRIP OFF" AND MODIFY
RIGHTS OF BAC HOME LOANS SERVICING MORTGAGEACCOUNT ENDING IN**

5712

PURSUANT TO 11 U.S.C. § 506 (a) AND §1322

THE ABOVE MATTER having been heard at the time and date above the Court finds as follows:

1. The Debtor's property located at 1802 Twin Oaks, Las Vegas, Nevada 89156 (the "Subject Property") is valued at \$123,760.00.
2. That on the filing date of the instant Chapter 13 petition, the claim of BAC Home Loans Servicing Account ending in 5720 was wholly unsecured.

1 **IT IS THEREFORE ORDERED THAT** the secured claim of BAC Home Loans Servicing
2 Account ending in 5720 is “stripped off” and shall be avoided pursuant to 11 U.S.C. §506(a);

3 **IT IS ORDERED THAT** the claim of BAC Home Loans Servicing Account ending in 5720
4 shall be allowed as a non-priority general unsecured claim;

5 **IT IS ORDERED THAT** BAC Home Loans Servicing Account ending in 5720
6 shall retain its lien on the real property located at 1802 Twin Oaks Avenue, Las Vegas Nevada
7 89156 until such time as the Debtors have completed their Chapter 13 Plan and received a discharge
8 of their obligations.

9 **IT IS FURTHER ORDERED THAT** in the event that the instant Chapter 13 matter is
10 dismissed or converted to a Chapter 7 proceeding the instant Order shall be vacated.

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14 Dated this 1st day of February, 2010

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16 **COLEMAN LAW ASSOCIATES**
17 **A PROFESSIONAL LAW CORPORATION**

18
19 **By:** /s/ Elizabeth DeFlyer
20 ELIZABETH DEFLYER, ESQ.
21 Nevada Bar No. 010021
22 9708 S. Gillespie Street, Suite A-106
23 Las Vegas, NV 89183
24 Attorneys for Debtors

25 **SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021**
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27 In accordance with Local Rule 9021, counsel submitting this document certifies as
28

1 follows (check one):
2

3 _____ The court has waived the requirement of approval under LR 9021.
4

5 X This is a chapter 7 or 13 case, and either with the motion, or at the hearing,
6 I have delivered a copy of this proposed order to all counsel who appeared at the hearing,
7 and each has approved or disapproved the order, or failed to respond, as indicated below:

8 _____ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this
9 proposed order to all counsel who appeared at the hearing, any unrepresented parties who
10 appeared at the hearing, and any trustee appointed in this case, and each has approved or
11 disapproved the order, or failed to respond, as indicated below (list each party and whether
12 the party has approved, disapproved, or failed to respond to the document):

13 APPROVED:

14
15 /s/Gregory Wilde, Esq.

16 Gregory Wilde, Esq.
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18 DISAPPROVED:
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20 FAILED TO RESPOND:
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22 Kathleen Leavitt, Chapter 13 trustee
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